

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEP 12 2006

UNITED STATES OF AMERICA

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vs.

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DANIELLE TERICE JONES

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DAVID J. MALAND, CLERK
BY
DEPUTY _____

Case No. 4:03CR17
(Judge Brown)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 5, 2006, to determine whether the Defendant violated her supervised release. The Defendant was represented by Garland Cardwell. The Government was represented by Randall Blake.

On August 8, 2003, the Defendant was sentenced by the Honorable Judge Paul Brown to 21 months imprisonment followed by three years of supervised release after pleading guilty to the offense of Conspiracy to Commit Bank and Mail Fraud. On January 20, 2006, Defendant completed her period of imprisonment and began service of her supervised term.

On June 12, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete

written report within the first five days of each month; (2) Defendant shall notify the probation officer ten days prior to any change in residence or employment; and (3) Defendant shall pay a \$100 special assessment and \$27,407.55 restitution.

The petition alleges that the Defendant committed the following acts: (1) Defendant failed to report to the U.S. Probation Office on June 1, 2006, as directed on May 19, 2006; (2) On June 2, 2006, U.S. Probation Officer, Susan Budjenska, instructed Defendant's mother to have Defendant report to the U.S. Probation Office on June 5, 2006, which Defendant failed to do; (3) On June 2, 2006, after a home visit by the U.S. Probation Officer, Defendant's mother informed the Officer that Defendant no longer lived there and Defendant was unable to be located; and (4) Defendant has failed to submit monthly special assessment or restitution payments for the months of April and May, 2006, and as of June 12, 2006, Defendant had a special assessment balance of \$50 and restitution balance of \$27,407.55.

Prior to the Government putting on its case, the Defendant entered a plea of true to the above listed violations. At the hearing, the Court recommended that the Defendant's supervised release be modified.

RECOMMENDATION

The Court recommends that the District Court modify Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to a halfway house for a term of six (6) months.

Signed this 12 day of ~~August~~ ^{September}, 2006.

A handwritten signature in black ink, appearing to read "Don D. Bush", written over a horizontal line.

DON D. BUSH

UNITED STATES MAGISTRATE JUDGE